

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

JOHN P. HASSLER,)
Petitioner,)
v.) No. 1:07-CR-146-CLC-SKL-6
UNITED STATES OF AMERICA,) 1:16-CV-244-CLC
Respondent.)

MEMORANDUM OPINION

Federal prisoner John P. Hassler filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 on October 19, 2009 [Doc. 420 (sealed)].¹ The Court denied relief, concluding that the seventeen claims of ineffective assistance and various freestanding claims presented in the motion lacked merit and/or were barred by provisions in the plea agreement [Docs. 561-562]. Petitioner appealed to the United States Court of Appeals for the Sixth Circuit, which reviewed this Court’s decision on the preserved claims, declined to issue a Certificate of Appealability, and denied his subsequent petition for a rehearing [Docs. 584, 586]. Now before the Court is what Petitioner has labeled as a “Motion for Sentence Reduction and Vacatur of 18 U.S.C. § 922(g)(1) Pursuant to 28 U.S.C. § 2255 – Johnson Claim” [Doc. 642]. After a review of Petitioner’s submission, the Court finds that he intended it to be a successive § 2255 motion.

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” Petitioner cannot file a second or successive § 2255 petition in this Court until he has moved in the Sixth Circuit for an

¹ Each document will be identified by the Court File Number assigned to it in the underlying criminal case, No. 1:07-CR-146-CLC-SKL.

order authorizing the Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by the Court.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** the filing [Doc. 642] to the Sixth Circuit pursuant to 28 U.S.C. § 1631. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997).

An appropriate order will enter.

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE